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MEMO ENDORSED

August 23, 2021

BY ECF AND ELECTRONIC MAIL

Hon. Katharine Polk Failla
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Hon. Analisa Torres
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

Re: *Kristi Vuksanovich, et ano. v. Airbus Americas, Inc., et al.*, 1:21-cv-03454-KPF
AmySue Salvatore, et ano. v. Airbus Americas, Inc., et al., 1:21-cv-03487-AT

Dear Judges Failla and Torres:

The undersigned represent defendants Airbus Americas, Inc. and Airbus S.A.S. (“Defendants”) in the above-referenced actions. We write on consent of plaintiffs AmySue and Michael Salvatore and Kristi and Mark Vuksanovich (collectively, “Plaintiffs”) to jointly propose that their cases proceed as related cases and, accordingly, pursuant to Local Rule 13(b)(2), that *AmySue Salvatore, et ano. v. Airbus Americas, Inc., et al.*, 1:21-cv-03487-AT, the later-docketed case, be transferred to the docket of Hon. Katharine Polk Failla.

These cases were initially filed in the United States District Court for the District of Massachusetts, where they proceeded as related matters and on parallel case schedules. After being transferred to the S.D.N.Y., however, the first case was assigned to Judge Failla and the second case was assigned to Judge Torres. As a result, each case is currently proceeding on a different schedule.

The parties believe that it would be more efficient for the parties and the Court if these cases were administratively joined before the same Judge to conduct pretrial discovery on the same schedule. Although these cases involve different plaintiffs, they assert the same claims against the same Airbus entities.¹ Thus, the parties anticipate that

¹ There are some differences between the cases: Plaintiffs’ alleged injuries are similar but not identical, and Plaintiffs contend that they experienced injuries due to incidents that allegedly occurred on different flights. But “[t]he interests of justice require



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Plaintiffs will serve nearly identical discovery requests on Defendants. In addition, the parties expect that many of the fact and expert witnesses who participate in discovery will be the same for both cases. The parties also anticipate that analogous third-party discovery requests will be served during fact discovery. Thus, transfer would serve the convenience of parties and common witnesses and promote the just and efficient resolution of both cases. *See Wyndham Assoc. v. Bintliff*, 398 F.2d 614, 619 (2d Cir. 1968) (“There is a strong policy favoring the litigation of related claims in the same tribunal in order that pretrial discovery can be conducted more efficiently, duplicitious litigation can be avoided, thereby saving time and expense for both parties and witnesses, and inconsistent results can be avoided.”).

All parties appreciate the Court’s consideration of this matter.

Respectfully submitted by:

/s/ Margaret A. Rogers

Attorney for Defendant Airbus Americas,
Inc.

that the cases be related, not identical.” *Mfrs. Hanover Trust Co. v. Palmer Corp.*, 798 F. Supp. 161, 167 (S.D.N.Y. 1992).

The Court is in receipt of the parties' joint motion seeking to have *Vuksanovich, et ano. v. Airbus Americas, Inc., et al.*, 21 Civ. 3454 (KPF), and *Salvatore, et ano. v. Airbus Americas, Inc., et al.*, 21 Civ. 3487 (AT), proceed as related matters. (21 Civ. 3454 Dkt. #62; 21 Civ. 3487 Dkt. #63).

Concurrent with the filing of *Salvatore*, this Court consulted with the Southern District of New York's Case Assignment Committee on issues of relatedness. It was determined that these cases were not related within the meaning of Local Civil Rule 13.

Accordingly, the motion for these two cases to proceed as related cases is DENIED. The Clerk of Court is directed to docket this endorsement in both 21 Civ. 3454 and 21 Civ. 3487. The Clerk of Court is further directed to terminate the pending motions at 21 Civ. 3454 docket entry 62 and 21 Civ. 3487 docket entry 63.

Date: August 25, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE